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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,843	02/28/2000	Terry Lynn Cole	2000.036100	9375
23720	7590	10/04/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			BOCURE, TESFALDET	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/514,843

**Applicant(s)**

COLE ET AL.

**Examiner**

Tesfaldet Bocure

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 17.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's remarks and arguments of the finality of the rejection of the last Office action are persuasive and, therefore, the finality of that action is withdrawn.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed July 12, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no English translation or a concise explanation of the relevance of the cited Chinese patent. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1,11-13,16 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754, of a record) in view of **Kramer et al.** (US patent number 6,658,027, newly cited).

5. (**Weaver** hereinafter) teaches a transmission system having a transmitter (fig.1) and a receiver (fig.2), wherein the transmitter comprising: a transmitter buffer (36); a buffer fullness detecting circuit (44) for detecting the buffer fullness; compressing the data to be transmitted (28 and 29); and truncating circuit (24) for truncating portion of the signal to be transmitted according to the determined buffer fullness as in claims 1,11-13, 16 and 23-25.

**Weaver** also teaches that if the channel 38 is operating at a constant rate, the number of bits removed is a direct function of time, and use of this fact may be made in determining the number of bits removed from the buffer (see col. 5, lines 60-68 and col. 8). However he is silent as to whether detection is made to determine if the buffer is full or not so that the bits can be deleted from the buffer or added to the buffer. **Kramer** for the same endeavor as the instant application and that of **Weaver** teaches a voice communication system having a buffer jitter control unit 150 and 140 for controlling the buffer 120 so that data can be deleted or added from the buffer depending on the status detected by the detector.

Therefore, it would have been abvious to one of an ordinary skill in the art to use the teaching of **Kramer** in order to directly delete/compress data from the buffer of **Weaver** at the time the invention was made.

Further to claims 1,11,16 and 23, Weaver also teach that the receiver having means for reformatting, claimed reconstructing, the received signal (see col. 6, lines 45-55).

Further to claims 4,5,6,7,14,15,19,20,21,22 and 27, **Weaver** also teaches that the transmitter transmits the information pertaining to the scaling and truncation of the data sample to the receiver, and the receiver uses the received information to deformat, claimed reconstituting and decompressing, the samples truncated and compressed by the transmitter (see starting line 48 in col. 5 through col. Line 55).

Weaver also fails to teach that: deleting selected samples in contiguous blocks of the buffered data within the buffer as in claims 2 and 17; deleting selected samples by every nth sample of the buffered data within the buffer as in claim 3 and 18; recording the locations of a starting and ending point defining the continuous block being deleted as in claims 4,14,19 and 26; reconstituting the selected samples of data deleted based in part upon the recorded locations as in claims 5,15,20 and 27; recording the locations of a starting and ending point defining the nth samples being deleted as in claims 6 and 21; reconstituting the selected samples of data deleted based in part upon the recorded locations as in claims 7 and 22; determining the buffer location as in claim 28; determining a starting and ending buffer location associated with the deleted sample; and reconstituting the selected samples of data deleted based in part upon determining buffer location as in claim 30.

As to the claimed deleting every nth sample and deleting in contiguous block in claims 2-7,14,15,17-22 and 26-30, as claimed and disclosed there is no criticality shown

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therefore, the truncation of Weaver will still be able to minimize the overfullness of the buffer at the transmitter and still be able to reconstruct the sample at the receiver.

Therefore, it would have been obvious to one of an ordinary skill in the art to use the information pertaining to the truncated part of the sampled transmitted to receiver for reconstructing the truncated information at the time the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754) in view of **Mirfakhraei** (US patent number 6,570,912).

**Weaver teaches** the claimed subject matter in claim 1 as indicated above (See paragraph 2 above).

What Weaver fails to teach is that the receiver having a symbol alignment (388) and time equalizer (370) as in claim 8.

**Mirfakhraei** for the same endeavors as the instant application and that of **Weaver** teaches a transmission system for transmitting voice and data comprising symbol alignment and time equalizer circuit.

Therefore it would have been obvious to one of an ordinary skill in the art to use time aligning and equalizing circuit in the receiver of **Weaver** to align the timing of the and equalize the received signal at the time the invention was made.

***Response to Amendment***

7. Applicant's arguments with respect to claims 1-7 and 10-30 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 8 and 9 are allowed.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

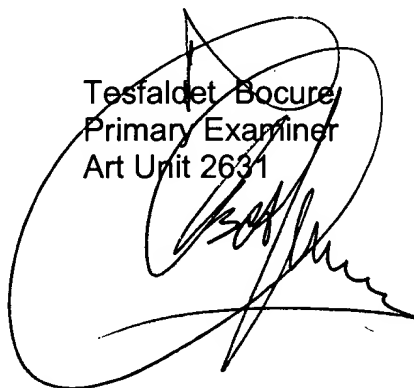
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tesfaldet Bocure  
Primary Examiner  
Art Unit 2631

T.Bocure

A handwritten signature in black ink, appearing to read 'Tesfaldet Bocure', is written over the printed name and title. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.